



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ragupathy Madiyalakan

Serial No: 09/871,339

Filed: May 31, 2001

For: METHOD AND COMPOSITIONS
FOR RECONFORMING MULTI-
EPITOPIC ANTIGENS TO
INITIATE AN IMMUNE
RESPONSE

Art Unit: 1642

Attorney Docket No. AREX-P02-005

Examiner: K. Canella

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

May 27, 2003

Date of Signature
and of Mail Deposit

Janine McNamara
Janine McNamara

PETITION TO WITHDRAW

HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment mailed by the Patent Office in the above-referenced patent application on April 22, 2003, Applicants respectfully assert that a complete, timely-filed response was filed in response to the Notice of Incomplete Response mailed from the Patent Office on August 6, 2002. Accordingly, Applicants submit that the Notice of Abandonment was issued in error, and a withdrawal of the holding of abandonment is hereby requested. The submitted evidence includes:

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1. A copy of the papers sent with a Certificate of Mailing dated September 12, 2002, including: a return receipt post card which itemizes and identifies the items which were being filed, a Transmittal Form, two pages of a complete response signed by Susan Mulvaney, a petition for four months extension of time under 37 CFR 1.136(a), and a Fee Transmittal for FY 2002 form.
2. A copy of a second response dated February 11, 2003 to the USPTO in response to a telephonic conversation with Examiner Unger indicating that the papers had not been received including: a power of attorney/revocation naming the patent agents/attorneys of Ropes & Gray as the new representative, an explanation of the papers indicating a complete response, all of the papers of record for the September 12, 2002 response, the fax cover sheet, and the fax transmission sheet confirming that all of the papers were properly transmitted to USPTO official fax number (703) 308-4242.

Applicants submit that the correspondence sent September 12, 2002, was properly itemized and identified on the Transmittal Form (PTO/SB/21), which form contained a Certificate of Mailing in accordance with 37 CFR 1.8 for each piece of correspondence indicated as being enclosed on the Transmittal Form.

37 CFR 1.8 states that, in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned ... the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Applicants are submitting herewith a copy of the correspondence of September 12, 2002 promptly after becoming aware that the office has no evidence of receipt of this correspondence,

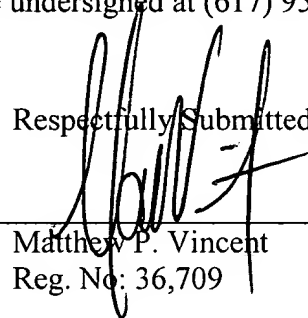
and are including a Declaration of Mailing by Susan Mulvaney, the mailer of the document, that attests on a personal knowledge basis to the previous timely mailing of this correspondence. Accordingly, in light thereof, Applicants respectfully request the holding of abandonment be withdrawn.

No petition fee is due for a petition under 37 CFR § 1.181. However, the Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-1945, under Order No. AREX-P02-005. Please direct any questions arising from this submission to the undersigned at (617) 951-7000.

Respectfully Submitted,

Date: May 27, 2003

Customer No: 28120
Docketing Specialist
Ropes & Gray, LLP
One International Place
Boston, MA 02110
Phone: 617-951-7615
Fax: 617-951-7050



Matthew P. Vincent
Reg. No: 36,709

ALT-005US2
1009/006

By First Class Mail: Transmittal Letter; Response to Incomplete
Reply; Petition for Three Month Extension of Time; Fee Transmittal
with Deposit Account Authorization: \$460.00

Applicant: Madiyalakan.

Serial No: 09/871,339

Agent: Susan Mulvaney, Reg. No. 33,923

Date: *September 12, 2002*

